

Remarks

Claims 1-14, 16, 17, and 19-24 are pending in the subject application. Applicant acknowledges that claims 10-14, 16, 17, and 24 have been withdrawn from further consideration as being drawn to a non-elected invention. By this Amendment, Applicant has canceled claims 1-14, 16, 17, and 19-24 and added new claims 25-42. Support for the new claims can be found throughout the subject specification and in the claims as originally filed. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 25-42 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

Applicant acknowledges, as noted in the preceding paragraph, that currently pending claims 10-14, 16, 17, and 24 have been withdrawn from further consideration as being drawn to a non-elected invention. However, in accordance with MPEP §821.04, Applicant respectfully requests that withdrawn claims 13, 14, and 24 (corresponding to new claims 38, 39, and 42) be rejoined for examination in the subject application upon the Examiner's determination that an elected composition of matter claim is allowable. Applicant notes that new claim 38 has been amended to recite the elements of each of canceled claims 9-12 and to refer to the conjugate of new claim 25.

Claim 20 is objected to under 37 CFR 1.75 (c) as being of improper dependent form. Specifically, the Examiner asserts that claim 20 (corresponding to new claim 33) does not further limit claim 7 (corresponding to new claim 31) from which it depends. Applicant notes that claim 7 referred to a "DNA binding domain." The term a "DNA binding domain" refers to a genus of compositions with domains that bind DNA. Applicant respectfully asserts that a histone (as was recited in claim 20) is a species of a DNA binding protein. Therefore, Applicant respectfully submits that claim 20 did further limit claim 7, and that claim 33 further limits claim 31. Accordingly, reconsideration and withdrawal of the objection under 37 CFR 1.75(c) is respectfully requested.

Claims 22 and 23 are objected to as being dependent upon a non-elected base claim. By this Amendment, Applicant has presented new claims 40 and 41 that recite all the elements of canceled claims 10-12, as suggested by the Examiner in the Office Action. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Claims 8, 9, and 21 are rejected under USC §112, second paragraph, as indefinite on the grounds that recitation of "wherein the second region comprises a NOI" renders the nature of the

invention unclear. Applicant respectfully asserts that the claims as filed are definite. Applicant respectfully asserts that the claims as filed are intended to encompass conjugates where the second region can be any composition of matter not naturally associated with the first region of the conjugate, including, for example, a protein, a nucleic acid, a protein/nucleic acid complex, *etc.* Applicant notes that the new claims recite "nucleic acid" in place of "NOI." Accordingly, reconsideration and withdrawal of the rejection under 35 USC §112, second paragraph, is respectfully requested.

Claims 1, 3, and 19 are rejected under 35 USC §102(b) as anticipated by Schutze-Redelmeier *et al.* (1996) and claim 2 is rejected under 35 USC §103(a) as obvious over Schutze-Redelmeier *et al.* (1996) in view of Prochiantz (1996). Applicant respectfully asserts that the cited references, regardless of whether they are taken alone or in combination, do not teach or suggest Applicant's claimed invention. However, in a sincere effort to expedite prosecution of the subject application to completion, Applicant has presented new independent claim 25 (corresponding to canceled claim 1) which includes the elements of canceled claim 4. Applicant notes that claim 4 was not rejected as anticipated by or obvious over the cited references. Thus, new claim 25, and claims dependent therefrom, are novel and nonobvious over the cited references. Accordingly, reconsideration and withdrawal of the rejections under 35 USC §§102(b) and 103(a) is respectfully requested.

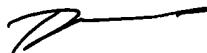
It should be understood that the new claims presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicant's agreement with or acquiescence in the Examiner's position.

In view of the foregoing remarks and amendments to the claims, Applicant believes that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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